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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Results of the seventieth and seventy-first sessions of the Committee on the Elimination of Discrimination against Women

Note by the Secretariat

Summary

The present note reflects the results, including decisions taken, of the seventieth and seventy-first sessions of the Committee on the Elimination of Discrimination against Women, held in Geneva from 2 to 20 July and from 22 October to 9 November 2018, respectively. Information on the sixty-ninth session, held in Geneva from 19 February to 9 March 2018, can be found in the report of the Committee to the General Assembly (A/73/38, part three).

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I. Introduction

1. In its resolution 47/94, the General Assembly recommended that the sessions of the Committee on the Elimination of Discrimination against Women should be scheduled, whenever possible, to allow for the timely transmission of the results of those sessions for information to the Commission on the Status of Women.

2. The Committee held its seventieth and seventy-first sessions from 2 to 20 July and from 22 October to 9 November 2018, respectively. At its seventieth session, the Committee established a working group on trafficking in women and girls in the context of global migration, with a view to elaborating a draft general recommendation on the topic. It adopted a joint statement with the Committee on the Rights of Persons with Disabilities, entitled "Guaranteeing sexual and reproductive health and rights for all women, in particular women with disabilities". It also endorsed the Guidelines against Intimidation or Reprisals (San José Guidelines) (HRI/MC/2015/6), endorsed at the twenty-seventh meeting of chairpersons of the human rights treaty bodies, held in Costa Rica from 22 to 26 June 2015. The Committee also established the positions of rapporteur and alternate rapporteur on intimidation or reprisals, in accordance with the San José Guidelines. It endorsed a framework of cooperation with the Special Representative of the Secretary-General on Sexual Violence in Conflict to advance the rights of women and girls by combating conflict-related sexual violence and supporting the implementation of the Security Council resolutions on women and peace and security.

3. At its seventy-first session, in accordance with article 18 (1) (b) of the Convention on the Elimination of All Forms of Discrimination against Women and its decision 21/I, the Committee decided to transmit a final reminder to the Government of Myanmar to submit an exceptional report on the situation of Rohingya women and girls in northern Rakhine State, failing which the Committee would proceed to consider the situation in the absence of a report. The Committee endorsed a framework of cooperation with the Special Rapporteur on violence against women, its causes and consequences. It also decided to hold a side event to the sixty-third session of the Commission on the Status of Women, aimed at reaffirming the interactive links between the Committee and United Nations entities, under the theme "Convention on the Elimination of All Forms of Discriminations against Women and the 2030 Agenda for Sustainable Development". The side event is one in the series of events commemorating the fortieth anniversary of the Convention. The Committee endorsed the concept note on a draft general recommendation on trafficking in women and girls in the context of global migration. It decided to hold a general discussion on trafficking in women and girls in the context of global migration, at its seventy-second, in February 2019.

4. At its seventieth session, the Committee heard briefings via videoconference from the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the World Bank Group and the Development Centre of the Organization for Economic Cooperation and Development on recent developments related to indicator 5.1.1 of the Sustainable Development Goals. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity provided a briefing via videoconference. He informed the Committee on the activities carried out under his mandate and his work to protect lesbian, bisexual and transgender women and intersex persons from gender-based violence and intersecting forms of discrimination. The Committee held an informal consultation with senior officials of the World Health Organization to discuss substantive and policy issues relevant to women's health. On 5 November, the Special Rapporteur on violence against women provided a briefing to the Committee on the

activities carried out under her mandate and her work in addressing violence against women and girls.

5. The Committee continued to engage with partners. Directly following the seventieth session, the Chair of the Committee delivered a statement to the Commission on the Status of Women at its sixty-second session, in New York. Prior to the seventy-first session of the Committee, on 5 October 2018, the Chair presented the report of the Committee on its sixty-eighth, sixty-ninth and seventieth sessions (A/73/38) to the Third Committee of the General Assembly, in New York.

6. At its seventy-first session, the Committee met with members of the Working Group on the issue of discrimination against women in law and in practice to discuss strengthened cooperation between both mechanisms. The Committee and the Working Group decided to issue a joint statement on women human rights defenders on the occasion of the International Women Human Rights Defenders Day, on 29 November 2018. On 31 October 2018, the Committee held an informal meeting with the Executive Director of UN-Women, to discuss ways and means of strengthening cooperation. The Committee also held an informal discussion with the Human Rights Committee under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights to discuss the Human Rights Committee's general comment No. 36 (2018) on the right to life, its decisions with regard to niqab use in France and the Committees' approaches to addressing harmful practices that discriminate against women and girls. On 8 November, the Committee held an informal meeting with States parties to discuss the Committee's engagement with relevant United Nations agencies on gender-related indicators of the Sustainable Development Goals and the implementation of the Convention and the Optional Protocol thereto, in the context of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system. They also discussed the Committee's recently adopted general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, general recommendation No. 36 (2017) on the right of girls and women to education and general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, and the Committee's work to elaborate a general recommendation on trafficking in women and girls in the context of global migration. In addition, they discussed the financial and human resource challenges that continue to hamper the work of the Committee with respect to individual communications and inquiries. Those challenges notwithstanding, they also discussed some of the achievements made by the Committee, including that, following the issuance of its views in *Angela González Carreño v. Spain* (CEDAW/C/58/D/47/2012), the Supreme Court of Spain issued a judgment in which it held that the views of the Committee were legally binding on the State party.

7. The Committee continued to benefit from country-specific information received from United Nations country teams and entities, specialized agencies of the United Nations system, other intergovernmental organizations, national human rights institutions and non-governmental organizations.

8. As at 9 November 2018, the closing date of the seventy-first session of the Committee, there were 189 States parties to the Convention and 109 States parties to the Optional Protocol. A total of 76 States had accepted the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee. To bring the amendment into force, two thirds of the States parties to the Convention (currently 126 States parties) must deposit their instruments of acceptance with the Secretary-General.

II. Results of the seventieth and seventy-first sessions of the Committee

A. Reports considered by the Committee

9. At its seventieth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention and issued its concluding observations thereon: Australia (CEDAW/C/AUS/CO/8), Cook Islands (CEDAW/C/COK/CO/2-3), Cyprus (CEDAW/C/CYP/CO/8), Liechtenstein (CEDAW/C/LIE/CO/5), Mexico (CEDAW/C/MEX/CO/9), New Zealand (CEDAW/C/NZL/CO/8), State of Palestine (CEDAW/C/PSE/CO/1) and Turkmenistan (CEDAW/C/TKM/CO/5).

10. At its seventy-first session, the Committee considered the reports of eight States parties and issued its concluding observations thereon: Bahamas (CEDAW/C/BHS/CO/6), Congo (CEDAW/C/COG/CO/7), Lao People's Democratic Republic (CEDAW/C/LAO/CO/8-9), Mauritius (CEDAW/C/MUS/CO/8), Nepal (CEDAW/C/NPL/CO/6), Samoa (CEDAW/C/WSM/CO/6), Tajikistan (CEDAW/C/TJK/CO/6) and the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/CO/6).

11. Representatives of United Nations country teams and entities, specialized agencies of the United Nations system, other intergovernmental organizations, national human rights institutions and non-governmental organizations attended the sessions. The reports of the States parties, the Committee's lists of issues and questions, the States parties' replies thereto and their introductory statements are posted on the website of the Committee under the relevant session, as are the concluding observations of the Committee.

B. Action taken in relation to the implementation of article 21 of the Convention

Working group on trafficking in women and girls in the context of global migration

12. The working group met during the seventieth and seventy-first sessions. At the seventieth session, it considered the outcome of the expert group meeting on trafficking in women and girls in the context of global migration, held in Vilnius on 25 and 26 June 2018. At the seventy-first session, the working group finalized the concept note on the draft general recommendation on trafficking in women and girls in the context of global migration, which was endorsed by the Committee.

Working group on working methods

13. The working group met during the sessions. At the seventieth session, it considered and submitted a draft decision on extending the time limit within which States parties may submit their written replies to lists of issues and questions prior to reporting from six months to one year. At the seventy-first session, it presented to the Committee a draft decision to decluster articles 10 through 12 to afford delegations of States parties with the opportunity to respond to questions raised under each of these articles separately during the interactive dialogue.

Working group on cooperation with national human rights institutions

14. The working group met during the sessions. At the seventieth session, it discussed the purpose and objectives of its work and adopted its terms of reference. At the seventy-first session, the working group heard a briefing by a representative

of the Global Alliance for National Human Rights Institutions on its thirteenth conference, held from 10 to 12 October 2018 in Marrakech, Morocco.

Committee on the Elimination of Discrimination against Women/UN-Women/Sustainable Development Goals working group

15. The working group met during the sessions. At the seventieth session, it was provided with a briefing on the revised treaty-specific reporting guidelines on the form and content of initial and periodic reports, taking into account the gender-related goals and targets of the 2030 Agenda, in particular Sustainable Development Goal target 5.1 and indicator 5.1.1. At the seventy-first session, the working group met to finalize the revised draft of the reporting guidelines to be submitted to the Committee. The revised reporting guidelines are aimed at providing guidance to States parties by linking the implementation of the Goals with States parties' obligations under the Convention. On 6 November, the Committee adopted the revised reporting guidelines, which will be shortened before transmission to States parties.

Working group on the Inter-Parliamentary Union

16. The working group met during the sessions and discussed the possibility of adopting a joint declaration with the Inter-Parliamentary Union on parity in politics, on the occasion of the fortieth anniversary of the Convention, with a view to increasing the representation of women in political processes for the achievement of Sustainable Development Goal target 5.5, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

Working group on sexual and reproductive health and rights

17. The working group met during the seventieth session. It finalized a draft joint statement by the Committee and the Committee on the Rights of Persons with Disabilities, entitled "Guaranteeing sexual and reproductive health and rights for all women, in particular women with disabilities".

Task force on women in conflict prevention, conflict and post-conflict situations

18. The task force met during the sessions and discussed preparations regarding a panel discussion on women and peace and security to be held during the seventy-second session of the Committee, in February 2019. It examined the Committee's references to women and peace and security in its concluding observations and lists of issues and questions.

C. Action taken in relation to ways and means of expediting the work of the Committee

Enhancing the Committee's working methods under article 18 of the Convention

19. At its seventieth session, the Committee decided that the time limit for States parties to submit their written replies to lists of issues and questions prior to reporting, under the simplified reporting procedure, would be extended from six months to one year. It amended its decision 62/II and decided to replace the standard paragraph on the 2030 Agenda in its concluding observations with the following new standard paragraph on the Sustainable Development Goals, to be placed as a new section C before the section entitled "Parliament", which becomes section D: "The Committee welcomes the international support for the Sustainable Development Goals and calls

for the realization of de jure and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda. The Committee recalls the importance of goal 5 and the mainstreaming of the principles of equality and non-discrimination throughout all 17 Sustainable Development Goals. It urges the State party to recognize women as the driving force of the sustainable development of their country and to adopt relevant policies and strategies to that effect."

20. At its seventy-first session, the Committee decided that, at future sessions, questions relating to articles 10 through 12 would be posed separately during the interactive dialogue and that delegations of States parties would be given time to respond to the questions under each of the articles separately. It also amended its decisions 62/II and 70/V and further revised the standard paragraph on the 2030 Agenda, as follows: "The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect."

Follow-up procedure

21. The Committee continued its work under the follow-up procedure at its seventieth and seventy-first sessions, adopting the reports of the Rapporteur on follow-up to concluding observations and considering the follow-up reports of Azerbaijan, Czechia, Eritrea, France, Gabon, Japan, Kyrgyzstan, Mongolia, the Russian Federation, Slovakia, Sweden, Turkey, Uganda, Venezuela (Bolivarian Republic of), Viet Nam and Vanuatu. At its seventieth session, the Committee decided to discontinue the preparation of summaries and the inclusion of follow-up information received from State parties and other sources in its follow-up letters to States parties. At its seventy-first session, the Committee decided to change its follow-up letters to States parties to include expression of its regret of the delay in receipt of the information requested by the Committee in its concluding observations, if it is 12 months or more overdue.

Overdue reports

22. The Committee decided that its secretariat should systematically remind States parties whose reports were five years or more overdue to submit their reports as soon as possible. As at 9 November 2018, the closing date of the seventy-first session, there were nine States parties whose reports were overdue by five years or more: Dominica, Kiribati, Latvia, Nicaragua, Saint Kitts and Nevis, Saint Lucia, San Marino, Sao Tome and Principe and Yemen. With regard to long-overdue reports, the Committee decided that, as a last resort, and failing receipt of the long-overdue reports by a specified date, it would proceed with the consideration of the implementation of the Convention in the State party in the absence of a report. States parties have been responsive to the reminders transmitted by the secretariat, as evidenced by the number of reports submitted and scheduled for consideration. The Committee currently has 24 reports scheduled for consideration between the seventy-second session (February/March 2019) and the seventy-fourth session (October/November 2019).

Dates of future sessions of the Committee

23. The Committee confirmed the tentative dates of its seventy-second, seventy-third and seventy-fourth sessions as follows:

Seventy-second session, Geneva

(a) Forty-third session of the Working Group on Communications under the Optional Protocol: 12 to 15 February 2019;

(b) Twelfth session of the Working Group on Inquiries under the Optional Protocol: 14 and 15 February 2019;

(c) Plenary: 18 February to 8 March 2019;

(d) Pre-sessional working group for the seventy-fourth session: 11 to 15 March 2019;

Seventy-third session, Geneva

(a) Forty-fourth session of the Working Group on Communications under the Optional Protocol: 26 to 28 June 2019;

(b) Thirteenth session of the Working Group on Inquiries under the Optional Protocol: 27 and 28 June 2019;

(c) Plenary: 1 to 19 July 2019;

(d) Pre-sessional working group for the seventy-fifth session: 22 to 26 July 2019;

Seventy-fourth session, Geneva

(a) Forty-fifth session of the Working Group on Communications under the Optional Protocol: 16 to 18 October 2019;

(b) Fourteenth session of the Working Group on Inquiries under the Optional Protocol: 17 and 18 October 2019;

(c) Plenary: 21 October to 8 November 2019;

(d) Pre-sessional working group for the seventy-six session: 11 to 15 November 2019.

Reports to be considered at future sessions of the Committee

24. The Committee confirmed that it would consider the reports of Angola, Antigua and Barbuda, Botswana, Colombia, Ethiopia, Myanmar (exceptional report), Serbia and the United Kingdom of Great Britain and Northern Ireland at its seventy-second session, the reports of Austria, Bahrain, Cabo Verde, Côte d'Ivoire, the Democratic Republic of the Congo, Guyana, Mozambique and Qatar at its seventy-third session and the reports of Andorra, Bosnia and Herzegovina, Cambodia, Iraq, Kazakhstan, Lithuania, Pakistan and Seychelles at its seventy-fourth session.

D. Action taken by the Committee in respect of issues arising from article 2 and article 8 of the Optional Protocol

25. At its seventieth session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its forty-first session. The Committee adopted decisions of inadmissibility with regard to communications concerning Denmark (non-refoulement) (CEDAW/C/70/D/76/2014) and Turkey

(child custody dispute) (CEDAW/C/70/D/92/2015). It found one communication concerning Denmark (non-refoulement) admissible. The Committee discontinued its consideration of one communication concerning Denmark (non-refoulement) (CEDAW/C/70/D/113/2017) and one concerning Switzerland (non-refoulement) (CEDAW/C/70/D/115/2017). On 9 November 2018, the Committee amended rule 64 (2) of its rules of procedure to delete the word "all" and replace it with the words "a majority of", such that the amended rule now reads as follows: "A working group may also declare that a communication is admissible under the Optional Protocol, provided that a majority of members eligible to participate so decide".

26. With regard to inquiries under article 8 of the Optional Protocol, the Committee endorsed the report of the Working Group on Inquiries under the Optional Protocol on its tenth session.

27. At its seventy-first session, the Committee endorsed the report of the Working Group on Communications under the Optional Protocol on its forty-second session. The Committee adopted decisions of inadmissibility with regard to two communications concerning Denmark (non-refoulement) (CEDAW/C/71/D/81/2015 and CEDAW/C/71/D/101/2016). It discontinued its consideration of three communications, one concerning Denmark (non-refoulement) (CEDAW/C/71/D/73/2014), one concerning Ecuador (non-refoulement) (CEDAW/C/71/D/83/2015) and one concerning Austria (non-refoulement) (CEDAW/C/71/D/112/2017).

28. With regard to inquiries under article 8 of the Optional Protocol, the Committee endorsed the report of the Working Group on Inquiries under the Optional Protocol on its eleventh session.